

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

UNITED STATES of AMERICA)	
)	
v.)	Criminal No.
)	09-40048-FDS
CHARLES BERMUDEZ,)	
)	
Defendant.)	
)	

**ORDER ON DEFENDANT'S
MOTION FOR REDUCTION OF SENTENCE**

SAYLOR, J.

Defendant Charles Bermudez has moved for a reduction of his sentence based on the Fair Sentencing Act of 2010, which lowered the penalties for certain drug offenders.

Defendant was sentenced on March 23, 2011. At the sentencing, the Court applied the Fair Sentencing Act and related sentencing guidelines retroactively to his case, which gave him a lower offense level under the Sentencing Guidelines. The Court then imposed a below-guideline sentence pursuant to a binding plea agreement under Fed. R. Crim. P. 11(c)(1)(C). The motion will therefore be denied, as the Court did in fact apply the more lenient guidelines when imposing sentence.

To the extent that defendant seeks to reduce his sentence for post-sentencing rehabilitation, the Court is without power to do so, at least absent a motion of the Director of the Bureau of Prisons. *See* 18 U.S.C. § 3582(c)(1)(A).

Defendant's Motion for Reduction of Sentence is accordingly DENIED.

So Ordered.

/s/ F. Dennis Saylor

F. Dennis Saylor IV

United States District Judge

Dated: November 18, 2011